

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Harm M. DECKERS et al.
Title: THIOREDOXIN AND THIOREDOXIN REDUCTASE
CONTAINING OIL BODY BASED PRODUCTS
Appl. No.: 09/897,898
Filing Date: 7/5/2001
Examiner: Yong D. PAK
Art Unit: 1652
Confirmation Number: 3117

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is timely responsive to the Office Action dated October 7, 2008; wherein, the terminal disclaimer filed herewith removes the Patent Office's double patenting concerns.

U.S. Patent Nos. 6,761,914; 6,599,513; 6,582,710; 6,596,287; 6,146,645 and 6,183,762 have been cited as bases for double patenting rejections of various claims of the above-referenced application.

Your Petitioner, SEMBIOSYS GENETICS, INC., having its principal place of business at 500-3605 29th Street, N.E., Calgary, Alberta T1Y 5W4, Canada, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 09/897,898, filed 7/5/2001, which is a continuation-in-part of U.S. Patent Application No. 09/448/600, (now Pat. No. 6,183,762), which is a continuation-in-part of application 09/084,777 (now USP 6,146,645).

Application no. 10/058,125 (now USP 6,582,710) is a continuation of serial no. 09/577,147 (now USP 6,372,234, which patent is not disclaimed herein).

Application no. 09/983,540 (now USP 6,596,287) is a divisional of application no. 09/577,147.

Application no. 09/880,901 (now USP 6,761,914) and application no. 09/983,546 (now USP 6,599,513) are continuation-in-parts of application no. 09/577,147.

The undersigned attorney of record, who is authorized to execute this document on behalf of the assignee, SemBioSys Genetics, Inc, certifies that, to the best of his knowledge and belief, the assignee is the holder of the entire right, title and interest of the above-captioned application and each of the six patents disclaimed herein by virtue of:

1.) Assignment of U.S. Patent No. 6,582,710 (serial no. 10/058,125) recorded on August 15, 2000, at Reel 011047, Frame 0671 (copy attached as Exhibit A);

2.) Assignment of U.S. Patent No. 6,596,287 (serial no. 09/983,540) recorded on November 29, 2002, at Reel 013536, Frame 0896 (copy attached as Exhibit B);

3.) Assignment of U.S. Patent No. 6,761,914 (serial no. 09/880,901) recorded on May 1, 2003, at Reel 014026, Frame 0631; recorded on May 1, 2003, at Reel 014026, Frame 0506 and recorded on May 2, 2003, Reel 014029, Frame 0138 (copy attached as Exhibit C);

4.) Assignment of U.S. Patent No. 6,599,513 (serial no. 09/983,546) recorded on January 23, 2003, at Reel 013687, Frame 0229 (copy attached as Exhibit D);

5.) Assignment of U.S. Patent No. 6,183,762 (serial no. 09/448,600) recorded on March 10, 2000, at Reel 010678, Frame 0007 (copy attached as Exhibit E); and

6.) Assignment of U.S. Patent No. 6,146,645 (serial no. 09/084,777) recorded on August 7, 1998, at Reel 009371, Frame 0370 (copy attached as Exhibit F);

each of which have been reviewed.

The undersigned attorney of record, who is authorized to execute this document on behalf of the Assignee, hereby disclaims the terminal part of the term of any patent granted on U.S. Patent Application 09/897,898 which would extend beyond the full statutory term as presently shortened by any terminal disclaimer, of any patents granted on U.S. Patent Nos. 6,582,710; 6,596,287; 6,761,914; 6,599,513; 6,183,762 and 6,146,645, and hereby agrees that any patent so granted on U.S. Patent Application 09/897,898 shall be enforceable only for and during such period that the legal title to any patent granted on U.S. Patent Nos. 6,582,710; 6,596,287; 6,761,914; 6,599,513; 6,183,762 and 6,146,645, shall be the same as the legal title to any patent granted on U.S. Patent Application 09/897,898, this agreement to run with any patent granted on U.S. Patent Application 09/897,898 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, the undersigned representative of the Assignee does not disclaim any terminal part of any patent granted on U.S. Patent Application 09/897,898, prior to the full statutory term of any patent granted on U.S. Patent Nos. 6,582,710; 6,596,287; 6,761,914; 6,599,513; 6,183,762 and 6,146,645, in the event that any patent granted on U.S. Patent Application 09/897,898 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to the full statutory term of any patent granted on U.S. Patent Application 09/897,898 as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on U.S. Patent Application 09/897,898 that would extend beyond the present termination of any patents granted on U.S. Patent Nos. 6,582,710; 6,596,287; 6,761,914; 6,599,513; 6,183,762 and 6,146,645, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without

waiving Petitioner's right to extend the term of a patent granted on U.S. Patent Application 09/897,898 to the extent provided by law.

The undersigned attorney of record, who is authorized to execute this document on behalf of the Assignee, certifies that he has reviewed the Assignments attached as APPENDICES A thru E, and to the best of his knowledge and belief, legal title to U.S. Patent Application 09/897,898 and any patent granted on U.S. Patent Nos. 6,582,710; 6,596,287; 6,761,914; 6,599,513; 6,183,762 and 6,146,645, rests with Petitioners, SEMBIOSYS GENETICS, INC. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date: January 7, 2009

By 

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Stephen A. Bent
Attorney for Applicant
Registration No. 29,768

EXHIBIT A



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Patent Assignment Abstract of Title

NOTE: Results display only for issued patents and published applications. For pending or abandoned applications please consult USPTO staff.

Total Assignments: 1

Patent #: [6372234](#)

Issue Dt: 04/16/2002

Application #: 09577147

Filing Dt: 05/24/2000

Inventors: Harm M. Deckers, Gijs van Rooijen, Joseph Boothe, Janis Goll, Maurice M. Moloney

Title: Products for topical applications comprising oil bodies and antibodies

Assignment: 1

Reel/Frame: [011047/0671](#)

Recorded: 08/15/2000

Pages: 4

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: [DECKERS, HAMR M.](#)[VAN ROOIJEN, GIJS](#)[BOOTHE, JOSEPH](#)[GOLL, JANIS](#)[MOLONEY, MAURICE](#)

Exec Dt: 07/05/2000

Exec Dt: 07/05/2000

Exec Dt: 07/05/2000

Exec Dt: 07/05/2000

Exec Dt: 07/05/2000

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Patent Assignment Abstract of Title

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Total Assignments: 1

Patent #: [6596287](#) **Issue Dt:** 07/22/2003 **Application #:** 09983540 **Filing Dt:** 10/24/2001
Publication #: [20020071852](#) **Pub Dt:** 06/13/2002

Inventors: Harm M. Deckers, Gijs van Rooijen, Joseph Boothe, Janis Goll, Maurice M. Moloney

Title: PRODUCTS FOR TOPICAL APPLICATIONS COMPRISING OIL BODIES

Assignment: 1

Reel/Frame: [013536/0896](#)

Recorded: 11/29/2002

Pages: 4

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: [DECKERS, HARM M.](#)

[ROOIJEN, GIJS VAN](#)

[BOOTHE, JOSEPH](#)

[GOLL, JANIS](#)

[MOLONEY, MAURICE](#)

Exec Dt: 07/05/2000

Exec Dt: 07/05/2000

Exec Dt: 07/05/2000

Exec Dt: 07/05/2002

Exec Dt: 07/05/2000

Assignee: [SEMBIOSYS GENETICS INC.](#)

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Correspondent: [BERESKIN & PARR](#)

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Assignments on the Web > Patent Query

Patent Assignment Abstract of Title

NOTE: Results display only for issued patents and published applications. For pending or abandoned applications please consult USPTO staff.

Total Assignments: 3

Patent #: 6761914 **Issue Dt:** 07/13/2004 **Application #:** 09880901 **Filing Dt:** 06/15/2001
Publication #: 20020071846 **Pub Dt:** 06/13/2002
Inventors: Harm M. Deckers, Gijs Van Rooijen, Joseph Boothe, Janis Goll, Maurice M. Moloney et al
Title: IMMUNOGENIC FORMULATIONS COMPRISING OIL BODIES

Assignment: 1

Reel/Frame: 014026/0631 **Recorded:** 05/01/2003 **Pages:** 3
Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).
Assignor: HUTCHINS, WENDY
Assignee: SEMBIOSYS GENETICS INC.
BAY #110, 2985-23RD AVENUE N.E.
CALGARY ALBERTA, CANADA T1Y 7L3
Exec Dt: 01/16/2002
Correspondent: BERESKIN & PARR
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Assignment: 2

Reel/Frame: 014026/0506 **Recorded:** 05/01/2003 **Pages:** 3
Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).
Assignor: SCHRYVERS, ANTHONY
Assignee: SEMBIOSYS GENETICS INC.
BAY #110, 2985-23RD AVENUE N.E.
CALGARY ALBERTA, CANADA T1Y 7L3
Exec Dt: 11/25/2002
Correspondent: BERESKIN & PARR
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Assignment: 3

Reel/Frame: 014029/0138 **Recorded:** 05/02/2003 **Pages:** 4
Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).
Assignors: DECKERS, HARM M.
VAN ROOIJEN, GIJS
BOOTHE, JOSEPH
GOLL, JANIS
MOLONEY, MAURICE M.
ALCANTARA, JOENEL
Assignee: SEMBIOSYS GENETICS INC.
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CALGARY, ALBERTA, T1Y 7L3, CANADA
Exec Dt: 04/21/2003
Exec Dt: 04/21/2003
Exec Dt: 04/23/2003
Exec Dt: 04/21/2003
Exec Dt: 04/21/2003
Exec Dt: 04/23/2003
Correspondent: BERESKIN & PARR
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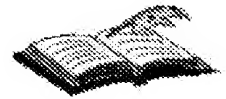
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Total Assignments: 1

Patent #: [6599513](#)

Issue Dt: 07/29/2003

Application #: 09983546

Filing Dt: 10/24/2001

Publication #: [20020106337](#)

Pub Dt: 08/08/2002

Inventors: Harm M. Deckers, Gijs Van Rooijen, Joseph Boothe, Janis Goll, Maurice M. Moloney

Title: PRODUCTS FOR TOPICAL APPLICATIONS COMPRISING OIL BODIES

Assignment: 1

Reel/Frame: [013687/0229](#)

Recorded: 01/23/2003

Pages: 4

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: [DECKERS, HARM M.](#)[VAN ROOIJEN, GIJS](#)[BOOTHE, JOSEPH](#)[GOLL, JANIS](#)[MOLONEY, MAURICE](#)

Exec Dt: 01/17/2003

Exec Dt: 01/20/2003

Exec Dt: 01/17/2003

Exec Dt: 01/17/2003

Exec Dt: 01/21/2003

Assignee: [SEMBIOSYS GENETICS INC.](#)BAY #110, 2985-23RD AVENUE N.E.
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Patent Assignment Abstract of Title

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Total Assignments: 1

Patent #: [6183762](#)

Issue Dt: 02/06/2001

Application #: 09448600

Filing Dt: 11/24/1999

Inventors: HARM M. DECKERS, GIJS VAN ROOIJEN, JOSEPH BOOTHE, JANIS GOLL, MAURICE M. MOLONEY

Title: OIL BODY BASED PERSONAL CARE PRODUCTS

Assignment: 1

Reel/Frame: [010678/0007](#)

Recorded: 03/10/2000

Pages: 4

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: [DECKERS, HARM M.](#)[VAN ROOIJEN, GIJS](#)[BOOTHE, JOSEPH](#)[GOLL, JANIS](#)[MOLONEY, MAURICE](#)

Exec Dt: 02/22/2000

Exec Dt: 02/23/2000

Exec Dt: 02/22/2000

Exec Dt: 02/22/2000

Exec Dt: 02/28/2000

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Patent Assignment Abstract of Title

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Total Assignments: 1

Patent #: 6146645

Issue Dt: 11/14/2000

Application #: 09084777

Filing Dt: 05/27/1998

Inventors: HARM M. DECKERS, GIJS VAN ROOIJEN, JOSEPH BOOTHE, JANIS GOLL, MAURICE M. MOLONEY

Title: USES OF OIL BODIES

Assignment: 1

Reel/Frame: 009371/0370

Recorded: 08/07/1998

Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: DECKERS, HARM M.

VAN ROOIJEN, GIJS

BOOTHE, JOSEPH

GOLL, JANIS

MAHMOUD, SOHEIL

MOLONEY, MAURICE M.

Assignee: SEMBIOSYS GENETICS INC.

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Exec Dt: 07/08/1998

Exec Dt: 07/08/1998

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